



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON  
APPLICATION AND WAIVER REQUEST FILED BY WASHINGTON COUNTY  
CONSOLIDATED COMMUNICATIONS AGENCY TO LICENSE TWO 800 MHZ  
BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL CHANNELS**

**FCC File Number 0007375570**

**Comment Date: June 9, 2017**

**Reply Comment Date: June 23, 2017**

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on the above-captioned application and waiver request filed by the Washington County Consolidated Communications Agency, Washington County, Oregon (Washington County), seeking to modify its private land mobile radio license call sign WQES436 by adding six new 800 MHz channels to its base station located on Gales Peak in Washington County.<sup>1</sup> Washington County requests a waiver of Commission rules so it can license through inter-category sharing two channels from the Business/Industrial/Land Transportation (B/ILT) Pool for use at the Gales Peak site.<sup>2</sup>

Washington County states that its 800 MHz trunked radio system provides mobile radio coverage to 18 police and fire agencies within Washington County but has also expanded service to include 94 agencies from Clackamas County and the City of Newberg and currently serves over 7,000 subscriber units generating more than 14 million push-to-talk transmissions per year.<sup>3</sup> Washington County has obtained funding to upgrade its legacy analog system to a Project 25 (P25) Phase II trunked system.<sup>4</sup> Because the area served by the system consists of “extremely rugged terrain,” Washington County intends to increase the number of system sites from 21 to 48 base stations as part of its upgrade.<sup>5</sup> It also intends to increase the number of radio channels licensed to its system from 71 to 140 channels.<sup>6</sup> Once the upgrade is complete, Washington County states, the system will provide “better in-building portable radio

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<sup>1</sup> Washington County Consolidated Communications Agency Application, ULS File No. 0007375570 (dated Oct. 1, 2015) (Washington County Application). Washington County subsequently filed the waiver request accompanying the application. Attachment labeled “Waivers & support material” (Aug. 12, 2016) (attached to Washington County Application) (Waiver Request).

<sup>2</sup> Waiver Request at 3.

<sup>3</sup> *Id.* at 8.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

coverage mainly for school security” and expanded coverage to “rural areas such as the Mt Hood Timberline recreational ski area.”<sup>7</sup>

Washington County contends that there are not enough public safety or vacated spectrum frequencies available for licensing at the Gales Peak site to add six channels. Therefore, in addition to two Public Safety Pool channels,<sup>8</sup> a General Category channel,<sup>9</sup> and a Sprint-vacated channel,<sup>10</sup> Washington County has applied for two channels from the B/ILT Pool (base transmit frequencies 854.7625 MHz and 855.8125 MHz) at the Gales Peak site to increase the capacity of the site by a total of six channels.<sup>11</sup> Washington County also seeks to license paired mobile transmit frequencies 809.7625 MHz and 810.8125 MHz for use by associated mobile units operating within thirty-two kilometers of the Gales Peak site.<sup>12</sup>

Under Section 90.617(b) of the Commission’s rules, channels from the B/ILT Pool are reserved for use by entities performing business related activities.<sup>13</sup> Washington County, in this case, is not eligible for B/ILT Pool channels because its communications are public safety-related, not business-related. Commission rules permit an entity to license a channel outside its pool category through inter-category sharing if the entity demonstrates that no channels in its pool category are available.<sup>14</sup> However, the Wireless Telecommunications Bureau froze inter-category sharing in the 800 MHz band in 1995 to stem an excessive number of intercategory sharing requests from licensees of Specialized Mobile Radio (SMR) facilities.<sup>15</sup> Washington County therefore requires a waiver of the freeze in order to license, through inter-category sharing, the B/ILT Pool channels specified in its application

In support of its waiver request, Washington County provides a letter from the Association of Public-Safety Communications Officials, International (APCO), an FCC-certified coordinator of Public Safety Pool channels, stating that its search for available channels for the Gales Peak site revealed no additional public safety or vacated spectrum frequencies that can be assigned due to “vacated spectrum not being released yet, incumbents being less than 88 km away or short spacing issues, or a combination of the above.”<sup>16</sup> APCO also states that additional B/ILT Pool channels will remain available for licensing in the area surrounding the Gales Peak site even if Washington County receives the B/ILT channels listed on its application.<sup>17</sup> Washington County also includes a letter from the Utilities Technology Council

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<sup>7</sup> *Id.*

<sup>8</sup> 47 CFR § 90.617(a).

<sup>9</sup> 47 CFR § 90.615.

<sup>10</sup> 47 CFR § 90.617(g).

<sup>11</sup> Washington County Application.

<sup>12</sup> *Id.*

<sup>13</sup> 47 CFR § 90.617(b) (indicating that applicants eligible for the Industrial/Business Pool are eligible to license channels from the B/ILT Pool). *See also* 47 CFR § 90.35 (listing eligibility requirements for entities seeking to license channels from the Industrial/Business Pool).

<sup>14</sup> 47 CFR § 90.621(e). Only channels from the Public Safety or B/ILT Pool are available for inter-category sharing.

<sup>15</sup> *See Inter-Category Sharing of Private Mobile Radio Frequencies in the 806-821/851-866 MHz Bands*, Order, 10 FCC Rcd 7350 (WTB 1995).

<sup>16</sup> Letter from Carol DiCaro, AFC Processor, AFC – APCO’s Spectrum Management Division, APCO International to FCC (Aug. 3, 2016) (attached to Washington County Application).

<sup>17</sup> *Id.*

(UTC), an FCC-certified coordinator of B/ILT Pool channels, concurring in the coordination of the B/ILT channels at the Gales Peak site.<sup>18</sup>

We seek comment on whether the Bureau should grant Washington County a waiver of the freeze on inter-category sharing to allow licensing of the two B/ILT Pool channels at its Gales Peak site. In particular, we seek comment from any party that would be affected by Washington County's proposal to operate B/ILT Pool frequencies 854.7625 MHz and 855.8125 MHz at Gales Peak and B/ILT Pool frequencies 809.7625 MHz and 810.8125 MHz for associated mobile units operating within 32 kilometers of the Gales Peak site.<sup>19</sup>

Interested parties may file comments on or before June 9, 2017, and may file replies on or before June 23, 2017.<sup>20</sup>

#### Instructions for Filing Comments

All comments and reply comments should reference the subject Washington County Consolidated Communications Agency Waiver Request and the DA number indicated on this Public Notice. Comments may be filed: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),<sup>21</sup> or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

- Begin the process by using the following link to the ULS website <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>. The link will take you to the "Pleading Information" screen for "Non-docketed Pleadings" where you select "Reply" in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: "*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*"<sup>22</sup> Click on "CONTINUE."
- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the "SUBMIT" button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

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<sup>18</sup> Letter from Kathy Garrett, UTC Spectrum Services, to Washington County Consolidated Communications Agency (Aug. 10, 2016) (attached to Washington County Application).

<sup>19</sup> Washington County Application.

<sup>20</sup> 47 CFR § 1.405.

<sup>21</sup> *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006). See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-125A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf).

<sup>22</sup> See 47 CFR Part 1.

- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.
- Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission’s Universal Licensing System, <http://wireless.fcc.gov/uls>.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding contact Brian Marengo, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or [Brian.Marengo@fcc.gov](mailto:Brian.Marengo@fcc.gov).

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